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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,711	04/16/2004	Danny L. Mabey	60316/11	9204
7590 STOEL RIVES LLP Suite 1100 One Utah Center 201 South Main Street Salt Lake City, UT 84111				
			EXAMINER	
			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			05/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,711

**Applicant(s)**

MABEY ET AL.

**Examiner**

Allen Wong

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group I (claims 1-30) in the reply filed on 5/8/08 is acknowledged.

This restriction is **FINAL**.

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-4, 6-9, 11-14 and 16-19 are rejected on the ground of nonstatutory double patenting over claims 1, 4, 12 of U. S. Patent No. 7,295,608 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.
3. Claims 1 and 11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,295,608.

Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 11 of the instant application are generic to all that is recited in claim 1 of US Patent No. 7,295,608, and that a non-volatile memory must be included in the device of claim 1 and the corresponding method of claim 11 to store the plurality of scenes that comprise temporally adjacent frames otherwise the video data would be lost. That is, claims 1 and 11 is anticipated by claim 1 of US Patent No. 7,295,608.

Claims 2 and 12 of the instant application are similar to claim 12 of US Patent No. 7,295,608. Thus, claims 2 and 12 is anticipated by claim 12 of US Patent No. 7,295,608. Claims 3-4 and 13-14 of the instant application are similar to claim 7 of US Patent No. 7,295,608. Thus, claims 3-4 and 13-14 is anticipated by claim 7 of US Patent No. 7,295,608. Claims 6 and 16 of the instant application are similar to claim 12 of US Patent No. 7,295,608. Thus, claims 6 and 16 is anticipated by claim 12 of US Patent No. 7,295,608. Claims 7 and 17 of the instant application are similar to claim 10 of US Patent No. 7,295,608. Thus, claims 7 and 17 is anticipated by claim 10 of US Patent No. 7,295,608. Claims 8 and 18 of the instant application are similar to claim 4 of US Patent No. 7,295,608. Thus, claims 8 and 18 is anticipated by claim 4 of US Patent No. 7,295,608. Claims 9 and 19 of the instant application are similar to claim 1 of US Patent No. 7,295,608. Thus, claims 9 and 19 is anticipated by claim 1 of US Patent No. 7,295,608.

Claims 5 and 15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 7,295,608 in

view of Elliott (6,754,181). Claim 7 of U.S. Patent '608 does not specifically disclose the link comprises a uniform resource locator. However, Elliott teaches the use of a uniform resource locator for linking data (col.56, ln.33-39). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of US Patent '608 and Elliott, as a whole, for implementing the well known technique of using URLs to remotely link up to any location for accessing video data.

Claims 10 and 20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Patent No. 7,295,608 in view of Elliott (6,754,181). Claim 11 of US Patent '608 disclose transmitting data through a network, but not presenting authentication data to a token server. However, Elliot teaches the presenting authentication data to a token server (col.55, ln.31-39). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of US Patent '608 and Elliott, as a whole, for implementing the well known technique of using token server to verify authentication data transmitted from remote access.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Allen Wong/  
Primary Examiner, Art Unit 2621

/Allen Wong/  
Primary Examiner  
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AW  
5/22/08